



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC 27 2012

REPLY TO THE ATTENTION OF: WQ-16J

Ann M. Foss, Director
Metallic Mining Sector, Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Dear Ms. Foss:

Thank you for your letter of October 26, 2012, submitting Minnesota's proposed variance from the water quality standards for hardness, bicarbonate, total dissolved solids, and specific conductance for Mesabi Nugget Delaware LLC (Mesabi), Permit No. MN0067687, to the U.S. Environmental Protection Agency for review under section 303(c) of the Clean Water Act (CWA). On December 18, 2012, EPA received legal certification of adoption of the variance from Beverly M. Conerton, completing the submittal. The proposed action would grant Mesabi a variance from Minnesota's water quality criterion for hardness to protect the use of the water for industrial water supply, and bicarbonate, total dissolved solids, and specific conductance to protect the use of the water for agricultural irrigation, and establish the interim requirements listed in Table 1 for the variance parameters during the term of the variance applicable to Mesabi's discharge into Second Creek in St. Louis County, Minnesota.

Table 1

	Interim (effective on issuance of the permit implementing the variance)		Final (effective no later than August 1, 2021)	
	Daily Max	Monthly Avg	Daily Max	Monthly Avg
Hardness	863	831	532	512
Specific conductivity	1965	1889	1066	1025
TDS	1228	1160	768	726
Bicarbonates	378	363	267	257

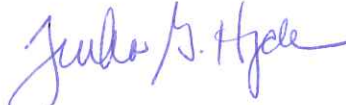
Consistent with section 303(c) of the CWA and federal regulations at 40 CFR 131.21, EPA is required to review and approve state water quality standards. EPA has reviewed the information submitted and hereby approves the proposed variance.

As required under section 7 of the Endangered Species Act and federal regulations at 50 CFR Part 402, EPA is required to consult with the U.S. Fish and Wildlife Service (FWS) on any action that may affect federally-listed threatened and endangered species or designated critical habitat. We have examined technical information for all endangered, threatened, candidate, and

non-essential experimental populations in St. Louis County. EPA has determined that this approval action will have no effect on federally-listed species, nor will it adversely modify designated critical habitat in the action area. Further consultation with the FWS is therefore not required.

If you or your staff have any questions regarding this approval, please contact myself or David Pfeifer of my staff at (312) 353-9024 or pfeifer.david@epa.gov.

Sincerely,



Tinka G. Hyde
Director, Water Division

cc: Kevin Leecy, Chairman, Bois Forte Tribal Council
Tara Geschick, Acting Commissioner, Department of Natural Resources, Bois Forte
Chris Holm, Department of Natural Resources, Bois Forte
Karen Diver, Chairwoman, Fond du Lac Tribal Council
Wayne Dupuis, Environmental Program Manager, Environmental Program, Fond du Lac
Nancy Schuldt, Water Projects Coordinator, Environmental Program, Fond du Lac
Norman W. Deschampe, Chairman, Grand Portage Tribal Council
Seth Moore, Biology Program, Grand Portage
Margaret Watkins, Environmental Program, Grand Portage
Joseph Henderson, MPCA
Tony Sullins, USFWS